

Notice of Allowability

Application No.

10/613,134

Examiner

Carolyn T. Blake

Applicant(s)

LUNDIN, ZACHARY A.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 10/17/2005.
2. ☒ The allowed claim(s) is/are 1,4,5,10 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Jack Munro (Reg. No. 22,979) on Thursday, November 10, 2005.

The application has been amended as follows:

- Claims 2, 3, 6-9, and 11 have been cancelled.
- Regarding claim 1, the text from "and" in line 16 to "plate," in line 19 has been deleted and replaced by the following:
 - -a first corner and a second corner defined on opposite edges of the elongated linear bend;
 - a guide bar comprising an elongated first leg and a shorter second leg;
 - the first leg comprising a first end, a second end, and means for penetrating meat there between;
 - the second leg comprising a first end and a second end; and
 - wherein the first end of the first leg is directly connected to the first corner, the first end of the second leg is directly connected to the second corner, and second ends of both legs are directly connected to one another at an acute angle;- -

Art Unit: 3724

- Regarding claim 4, the number “3” on line 2 has been deleted and replaced by the number - -1- -.
- Regarding claim 10, the number “9” on line 2 has been deleted and replaced by the number - -1- -, and the phrase - -for penetrating meat- - after “said means” in line 3 has been added.
- Regarding claim 12,
 - The phrase “generally L-shaped sheet material” in line 5 has been deleted.
 - The phrase “the connection” (lines 8-9) has been deleted and replaced by - -a connection- -.
 - The text from “a guide member” in line 17 to “plate,” in line 19 has been deleted and replaced by the following :

- -a first corner and a second corner defined on opposite edges of the elongated linear bend;
a guide bar comprising an elongated first leg and a shorter second leg;
the first leg comprising a first end, a second end, and means for penetrating meat there between;
the second leg comprising a first end and a second end; and
wherein the first end of the first leg is directly connected to the first corner, the first end of the second leg is directly connected to the second corner, and second ends of both legs are directly connected to one another at an acute angle;- -

- The phrase “the first guide member” (line 20) has been deleted and replaced by -the guide bar- .
- The phrase “the operator” (line 21) has been deleted and replaced by -an operator- .
- The phrase “the guide member” (lines 22-23) has been deleted and replaced by -the guide bar- .
- The phrase “with the procedure to be repeated to obtain other meat pieces” (line 24) has been deleted.

REASONS FOR ALLOWANCE

3. The following is an examiner’s statement of reasons for allowance: The claims are allowable because the prior art fails to teach a guide bar comprising an elongated first leg with means to penetrate meat and shorter second leg as set forth in claims 1 and 12.

Hall (3,319,682) discloses a cutting template capable of being used for cutting a plurality of meat pieces from a meat section all of which are precisely similar in size and weight, said cutting template comprising: a graspable handle composed of a planar forefinger abutting section (top of 21) and a planar thumb rest section (side of 21) which are separated by a crease, said forefinger abutting section being deflected at said crease at an angle to said thumb rest section; a flat guide plate (14) integrally attached to said thumb reset section at an elongated linear bend; a first corner and a second corner defined on opposite sides of the bend; a guide bar (15); whereby said guide plate is capable of being placed against an edge of the meat section with said guide bar

resting on an upper surface of the meat section with the operator to then move a cutting instrument around an exterior edge of said guide bar to cause severing of a first said meat piece with the procedure to then be repeated to obtain said meat pieces. Hall fails to disclose the guide bar as claimed, including an elongated first leg comprising means to penetrate meat and shorter second leg as set forth in claims 1 and 12.

The above prior art by itself or in combination with the other prior art cited fails to teach the claimed invention set forth in claims 1 and 12.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

CB

November 10, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700